

FILED: October 31, 2023

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

No. 23-6224
(5:22-hc-02006-FL)

UNITED STATES OF AMERICA,

Petitioner - Appellee,

v.

TODD MICHAEL GIFFEN,

Respondent - Appellant.

O R D E R

Todd Michael Giffen seeks to appeal the district court's order committing him to the custody of the Attorney General pursuant to [18 U.S.C. § 4246\(d\)](#). The Government has moved to dismiss the appeal as untimely.

When the United States or its officer or agency is a party in a civil case, the notice of appeal must be filed no more than 60 days after the entry of the district court's final judgment or order, [Fed. R. App. P. 4\(a\)\(1\)\(B\)](#), unless the district court extends the appeal period under [Fed. R. App. P. 4\(a\)\(5\)](#) or reopens the appeal period under [Fed. R. App. P. 4\(a\)\(6\)](#). “[T]he timely filing of a notice of appeal in a civil case is a jurisdictional requirement.” *Bowles v. Russell*, [551 U.S. 205, 214](#) (2007).

The district court entered its order on December 28, 2022. Giffen filed the notice of appeal on March 1, 2023.* Because Giffen failed to file a timely notice of appeal or to obtain an extension or reopening of the appeal period, we grant the motion to dismiss the appeal.

Entered at the direction of the panel: Judge Harris, Judge Quattlebaum, and Senior Judge Keenan.

For the Court

/s/ Nwamaka Anowi, Clerk

* For the purpose of this appeal, we assume that the date appearing on the notice of appeal is the earliest date Giffen could have delivered the notice to officials for mailing to the court. Fed. R. App. P. 4(c)(1); *Houston v. Lack*, 487 U.S. 266, 276 (1988).